

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

SEYMOUR LIEBMAN,	)	
	)	
Plaintiff,	)	Civil Action No.
	)	
-against-	)	<b>COMPLAINT</b>
	)	
200 PARKWAY, LLC, PARKWAY	)	
LANES, LLC, McD SPORTS LLC,	)	
JERSEY LANES INC., JERSEY LANES	)	
PROPERTY, LLC, JOHN FATIGATI and	)	
JOHN DOE,	)	
	)	
Defendants.		

Plaintiff, SEYMOUR LIEBMAN, by way of Complaint against Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI and JOHN DOE, alleges as follows:

**PARTIES**

1. At all times relevant to this action, Plaintiff, SEYMOUR LIEBMAN, was and is an individual residing in West Hempstead, New York, and is, accordingly a citizen of the State of New York.

2. At all times relevant to this action, Defendant, 200 PARKWAY, LLC, was and is a limited liability corporation organized and existing under the laws of the State of New Jersey, maintaining its principal place of business at 5501 City Place, Edgewater, New Jersey, and is, accordingly, a citizen of the State of New Jersey.

3. At all times relevant to this action, Defendant, PARKWAY LANES, LLC, was and is a limited liability corporation organized and existing under the laws of the State of New Jersey, maintaining its principal place of business at 5501 City Place, Edgewater, New Jersey, and is, accordingly, a citizen of the State of New Jersey.

4. At all times relevant to this action, Defendant, McD SPORTS LLC, was and is a corporation organized and existing under the laws of the State of New Jersey, maintaining its principal place of business at 26 Brook Place, West Orange, New Jersey, and is, accordingly, a citizen of the State of New Jersey.

5. At all times relevant to this action, Defendant, JERSEY LANES INC., was and is a corporation organized and existing under the laws of the State of New Jersey, maintaining its principal place of business at 30 North Park Avenue, Linden, New Jersey, and is, accordingly, a citizen of the State of New Jersey.

6. At all times relevant to this action, Defendant, JERSEY LANES PROPERTY, LLC, was and is a limited liability corporation organized and existing under the laws of the State of New Jersey, maintaining its principal place of business at 200 Route 46 East, Elmwood Park, New Jersey, and is, accordingly, a citizen of the State of New Jersey.

7. At all times relevant to this action, Defendant, JOHN FATIGATI, was and is an individual residing in New Jersey having a business address at 200 Route 46 East, Elmwood Park, New Jersey, and is, accordingly, a citizen of the State of New Jersey.

8. Defendant, JOHN DOE, is a fictitious name of an entity maintaining its principal place of business in the State of New Jersey, whose true identity is presently unknown and unavailable to Plaintiff. Defendant, JOHN DOE, is included as a Defendant to preserve Plaintiff's claim in the event that the true owner of the bowling alley located at 200 Route 46 East, Elmwood Park, New Jersey, open and known to the public as "PARKWAY LANES," is revealed to be an entity or individual other than the named Defendants. The claim asserted by Plaintiff against the named Defendants is asserted against Defendant, JOHN DOE, as well.

### **JURISDICTION AND VENUE**

9. This Court has subject matter jurisdiction over the action pursuant to 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between Plaintiff on the one hand and Defendants on the other, and the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

10. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2) because Defendants maintain their places of business within the District of New Jersey and because a substantial part of the acts or omissions giving rise to Plaintiff's claim occurred within the District of New Jersey.

### **FACTUAL ALLEGATIONS**

9. On November 29, 2019, Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, owned the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey, which is the location of a bowling alley open and known to the public as "PARKWAY LANES."

2. On November 29, 2019, Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, managed the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey, which is the location of a bowling alley open and known to the public as "PARKWAY LANES."

3. On November 29, 2019, Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN

FATIGATI, and JOHN DOE, operated the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey, which is the location of a bowling alley open and known to the public as “PARKWAY LANES.”

5. On November 29, 2019, Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, controlled the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey, which is the location of a bowling alley open and known to the public as “PARKWAY LANES.”

6. On November 29, 2019, Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, maintained the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey, which is the location of a bowling alley open and known to the public as “PARKWAY LANES.”

7. On November 29, 2019, Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, performed maintenance and repairs at the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey, which is the location of a bowling alley open and known to the public as “PARKWAY LANES.”

8. On November 29, 2019, Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, owned the bowling alley open and known to the public as

“PARKWAY LANES” located at the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey.

9. On November 29, 2019, Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, managed the bowling alley open and known to the public as “PARKWAY LANES” located at the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey.

10. On November 29, 2019, Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, operated the bowling alley open and known to the public as “PARKWAY LANES” located at the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey.

11. On November 29, 2019, Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, controlled the bowling alley open and known to the public as “PARKWAY LANES” located at the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey.

12. On November 29, 2019, Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, maintained the bowling alley open and known to the public as “PARKWAY LANES” located at the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey.

13. On November 29, 2019, Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, performed maintenance and repairs at the bowling alley open and known to the public as “PARKWAY LANES” located at the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey.

**AS AND FOR A CAUSE OF ACTION AGAINST ALL DEFENDANTS**

14. Plaintiff repeats, reiterates and re-alleges the allegations contained in paragraphs 1-13 above, inclusive, with the same force and effect as if such allegations were set forth at length herein.

15. On November 29, 2019, Plaintiff, SEYMOUR LIEBMAN, was a lawful paying customer and/or patron of Defendants’ bowling alley, open and known to the public as “PARKWAY LANES,” located at the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey.

16. On November 29, 2019, while Plaintiff, SEYMOUR LIEBMAN, was a lawful paying customer and/or patron of Defendants’ bowling alley open and known to the public as “PARKWAY LANES,” located at the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey, he was caused to slip and fall due to a dangerous and hazardous condition existing on a bowling lane at the premises, namely, a slippery floor in the vicinity of the bowling ball release area.

17. On November 29, 2019, and prior thereto, Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, individually, and/or by and through their respective agents, servants, and employees, had a duty to inspect and maintain the real property located at the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey

and the bowling alley, open and known to the public as “PARKWAY LANES” located on that property, and to use reasonable care to ensure that the premises were in a reasonably safe condition for the benefit of its customers and patrons.

18. Notwithstanding the duty of Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, to use reasonable care to ensure that the bowling alley open and known to the public as “PARKWAY LANES” located at the premises known and designated as 200 Route 46 East, Elmwood Park, New Jersey, was in a reasonably safe condition, the accident sustained by Plaintiff, SEYMOUR LIEBMAN, on November 29, 2019, and the results thereof, were caused by the carelessness, negligence, and recklessness of Defendants and/or their respective agents, servants, and employees in connection with the ownership, management, operation, control, maintenance and repair of the premises, including, in particular, the bowling lanes located at the premises.

19. Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, had actual and/or constructive notice of the dangerous and hazardous condition which caused Plaintiff’s accident, and had ample time and opportunity to warn of and/or correct the condition prior to the accident.

20. As a direct and proximate result of the carelessness, negligence, and recklessness of Defendants, Plaintiff, SEYMOUR LIEBMAN, sustained severe and permanent personal injuries; suffered and will continue to suffer great pain; was required and will in the future be required to seek medical attention for his injuries, for which he has incurred and will in the future

continue to incur significant medical expenses; was unable and will in the future be unable to pursue certain of his usual activities; and suffered other damages, all of which exceed the sum or value of \$75,000 as will be shown at the time of trial.

**WHEREFORE**, PLAINTIFF, SEYMOUR LIEBMAN, demands judgment against Defendants, 200 PARKWAY, LLC, PARKWAY LANES, LLC, McD SPORTS LLC, JERSEY LANES INC., JERSEY LANES PROPERTY, LLC, JOHN FATIGATI, and JOHN DOE, jointly and severally, for damages in an amount to be shown at trial, plus pre-judgment interest, the recoverable statutory costs of this action, and such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

PLAINTIFF, SEYMOUR LIEBMAN, demands a trial by jury on all issues so triable.

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By: 

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Dated: November 18, 2021